

OGC Has Reviewed

Subject 320
LS-1289

Chief, Covert Personnel

8 September 1952

Office of the General Counsel

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Quarters Allowance for [REDACTED]

1. Reference is made to the memorandum from the Finance Division to the Chief, Covert Personnel dated 14 August 1952 regarding the payment of a quarters allowance to the subject employee.

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2. It is the opinion of this office that [REDACTED] is entitled to receive no more than the amount of his actual expenses for quarters over and above the quarters allowance paid his wife or a quarters allowance at the "without family" rate, whichever is less.

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[REDACTED]

Authority for the payment of a quarters allowance to [REDACTED] must be found in the Standardized Government Civilian Allowance Regulations.

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4. It is clear that [REDACTED] is not entitled to draw a quarters allowance at the "with family" rate, inasmuch as he is unable to qualify under the provision of Section 1.5(b) of the Standardized Government Civilian Allowance Regulations as being "with family." This Section states in part:

"'Family'....means one or more of the following (listed) relatives of an officer or employee residing at his post who does not receive from the United States Government an allowance similar to that granted to the officer or employee and who is not deemed to be a dependent or a member of the family of another officer or employee for the purpose of determining the amount of a similar allowance." (Emphasis supplied)

The maximum rate of quarters allowance is determined by the officer's or employee's family status among other factors (See [REDACTED]).

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5. The "with family" and "without family" rates prescribed under the Regulations are the maximum allowances payable. However, it is unequivocally provided in the Regulations that "actual" allowances payable will be the lesser of the maximum rates and an "estimated amount" of the officer's or employee's "annual expenditures in United States currency or its equivalent in foreign currency for the rent of

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furnished or unfurnished quarters (including taxes required by local law or customs to be paid by the tenant), heat, light and fuel (including gas and electricity)." Such estimates must be submitted by the officer or employee at least semi-annually. See [REDACTED]

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6. Although not directly in point, the concept of paying as a quarters allowance no more than actual expenditure for quarters is borne out by [REDACTED] of the Regulations providing Special Rules for the anomalous situations of shared quarters, married persons both of whom are officers or employees, married women, personally-owned quarters and let or sublet quarters.

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7. The quarters allowance to which [REDACTED] is entitled should be computed by taking the lesser of his actual expenditures for quarters over and above the quarters allowance received by his wife, or the "without family" allowance for a person of his personnel classification or position and the classification of his post.

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[REDACTED]

Attachment - Memo fr Finance to Chief, Covert Personnel, dtd 8/14/52.

OGC/GHK:iam

Distribution -

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